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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1759 entitled, "An Ordinance Adopting that Portion of the State Building Standards Code that Imposes Substantially the Same Requirements as are Contained in the Uniform Fire Code, 2000 Edition, Published by the Western Fire Chiefs Association and the California Building Standards Commission with Errata, Together with those Portions of the 'Uniform Fire Code, 2000 Edition' and the Appendixes, the Uniform Fire Code Standards, '1997 Edition,' as Amended by the 'Uniform Fire Code Standards, 2000 Edition,' Published by the Western Fire Chiefs Association, Not Included in the State Building Standards Code, as Modified and Amended by this Chapter, are Adopted by this Reference into this Chapter and are Hereby Collectively Declared to be the City of Lodi Fire Code; Thereto, Which Code Provides Regulations Governing the Conditions Hazardous to Life and Property from Fire or Explosion; Repealing and Reenacting Sections 15.20.010 Through 15.20.460 Inclusive and Section 9.12.010 of the Code of the City of Lodi and All Other Ordinances and Parts of Ordinances in Conflict Therewith, as well as Errors and Inconsistencies within Chapter 15.40 – On Site Fire Protection Sections 15.40.020, 15.40.100, and 15.40.110"

MEETING DATE: April 20, 2005

PREPARED BY City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1759.

BACKGROUND INFORMATION: Ordinance No. 1759 entitled, "An Ordinance Adopting that Portion of the State Building Standards Code that Imposes Substantially the Same Requirements as are Contained in the Uniform Fire Code, 2000 Edition, Published by the Western Fire Chiefs Association and the California Building Standards Commission with Errata, Together with those Portions of the 'Uniform Fire Code, 2000 Edition' and the Appendixes, the Uniform Fire Code Standards, '1997 Edition,' as Amended by the 'Uniform Fire Code Standards, 2000 Edition,' Published by the Western Fire Chiefs Association, Not Included in the State Building Standards Code, as Modified and Amended by this Chapter, are Adopted by this Reference into this Chapter and are Hereby Collectively Declared to be the City of Lodi Fire Code: Thereto, Which Code Provides Regulations Governing the Conditions Hazardous to Life and Property from Fire or Explosion; Repealing and Reenacting Sections 15.20.010 Through 15.20.460 Inclusive and Section 9.12.010 of the Code of the City of Lodi and All Other Ordinances and Parts of Ordinances in Conflict Therewith, as well as Errors and Inconsistencies within Chapter 15.40 – On Site Fire Protection Sections 15.40.020, 15.40.100, and 15.40.110" was introduced at the regular City Council meeting of April 6, 2005.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. **Two** readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting;

APPROVED: _____

Blair King, City Manager

except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.



Susan J. Blackston

City Clerk

SJBNMP

Attachment

ORDINANCE NO. 1759

AN ORDINANCE ADOPTING THAT PORTION OF THE STATE BUILDING STANDARDS CODE THAT IMPOSES SUBSTANTIALLY THE SAME REQUIREMENTS AS ARE CONTAINED IN THE UNIFORM FIRE CODE, 2000 EDITION, PUBLISHED BY THE WESTERN FIRE CHIEFS ASSOCIATION AND THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH ERRATA, TOGETHER WITH THOSE PORTIONS OF THE "UNIFORM FIRE CODE, 2000 EDITION" AND THE APPENDIXES, THE UNIFORM FIRE CODE STANDARDS, "1997 EDITION," AS AMENDED BY THE "UNIFORM FIRE CODE STANDARDS, 2000 EDITION," PUBLISHED BY THE WESTERN FIRE CHIEFS ASSOCIATION, NOT INCLUDED IN THE STATE BUILDING STANDARDS CODE, AS MODIFIED AND AMENDED BY THIS CHAPTER, ARE ADOPTED BY THIS REFERENCE INTO THIS CHAPTER AND ARE HEREBY COLLECTIVELY DECLARED TO BE THE CITY OF LODI FIRE CODE; THERETO, WHICH CODE PROVIDES REGULATIONS GOVERNING THE CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; REPEALING AND REENACTING SECTIONS 15.20.010 THROUGH 15.20.460 INCLUSIVE AND SECTION 9.12.010 OF THE CODE OF THE CITY OF LODI AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, **AS** WELL AS ERRORS AND INCONSISTENCIES WITHIN CHAPTER 15.40 - ON SITE FIRE PROTECTION SECTIONS 15.40.020, 15.40.100, AND 15.40.110

BE IT ORDAINED BY THE LODI CITY COUNCIL

Section 1. Sections 15.20.010 through 15.20.370 inclusive of the Code of the City of Lodi is hereby repealed and is superseded and replaced by new sections 15.20.010 through 15.20.460 inclusive and section 9.12.010 as hereinafter set forth.

Section 2. There is hereby adopted new Sections 15.20.010 through 15.20.460 inclusive of the Code of the City of Lodi to read in full **as** follows:

Section 3. There is hereby adopted correction of errors and inconsistencies within sections 15.40.020; 15.40.100; 15.40.110 of the Code of the City of Lodi to read in full as follows:

CHAPTER 15.20
FIRE CODE

Sections:

15.20.010	Adoption
15.20.020	Bureau of Fire Prevention
15.20.030	Jurisdiction defined
15.20.040	Section 101.10 added - Fees
15.20.050	Section 103.1.1.1 added - Contract inspector
15.20.060	Section 103.1.4 amended - Appeals
15.20.070	Section 103.2.1.1 (9) added - Responsibility for enforcement

15.20.080 Section 103.2.2.3
added – Fire prevention bureau arson investigators

15.20.090 Section 103.4.4
amended – Violation

15.20.1 00 Section 103.4.7
added – Abatement of hazard by fire chief

15.20.1 10 Section 103.4.8
added – Criminal or civil penalty for violation

15.20.120 Section 103.4.8.1
added – Misdemeanors – continuing violations

15.20.130 Section 103.4.8.2
added – Prosecution

15.20.140 Section 103.4.8.3
added – Penalty for infraction

15.20.150 Section 103.4.8.4
added – Penalty for misdemeanor

15.20.160 Section 103.4.8.5
added – Enforcement authority

15.20.170 Section 103.4.8.6
added – Civil penalties

15.20.180 Section 104.4
added – Cost recovery

15.20.1 90 Section 105.2.2
amended – Expiration

15.20.200 Section 105.2.4
added – Permit fees

15.20.21 0 Section 105.2.5
added – Violations

15.20.220 Section 105.4
amended – Inspections required

15.20.230 Section 105.7(7)
added – Revocation suspension and denial

15.20.240 Section 105.8
added – Permits required

15.20.250 Section 105.8.2
added – New materials, processes occupancies

15.20.260 Section 901.4.4
amended – Premises identification

15.20.270 Section 901.4.4.1
added – Premises identification-rear

15.20.280 Section 901.4.4.2
added – Premises identification – multiple dwelling units

15.20.290 Section 901.4.4.2
added – Premises identification-multiple buildings.

15.20.300 Section 902.2.2.1
amended – Dimensions

15.20.31 0 Section 902.2.2.2
amended – Surfaces

15.20.320 Section 902.4.3
added – Gates or other structures or devices

15.20.330 Section 902.4.1

- 15.20.340 added – Hazardous materials management plan box
Section **1003.2.1.1**
- 15.20.350 added – Automatic fire extinguishing systems
Section **1003.5**
- 15.20.360 added – Fire control **room**
Section **1006.3.4.2**
- 15.20.370 amended – Fire alarm certification
Section **1102.3**
- 15.20.380 amended – Open burning
Section **1102.3.9**
- 15.20.390 added - Construction sites
Section **1102.4.5**
- 15.20.400 amended – Recreational fires
Section **1114**
- 15.20.410 added Electrical disconnect
Section **1115**
- 15.20.420 added – Gas disconnect
Section **3010**
- 15.20.430 added – Pallets, palletized packing boxes and bin boxes
Section **7701.7.2**
- 15.20.440 Limits explosive and blasting agents
Section **7801.3.1.1**
- 15.20.450 amended – Manufacturing of fireworks
Section **7902.2.2.2.1**
- 15.20.460 Location of aboveground tanks are prohibited
Changes or modifications
- 15.20.010 Adoption

The provisions set forth in that portion of the State Building Standards Code that imposes substantially the same requirements as are contained in the Uniform Fire Code, 2000 Edition published by the Western Fire Chiefs Association and California Building Standards Commission with errata, together with those portions of the Uniform Fire Code, 2000 Edition, including Appendixes, The Uniform Fire Code Standards, 1997 Edition, as amended by the Uniform Fire Code Standards, 2000 Edition, published by the Western Fire Chiefs Association, not included in the State Building Standards Code, as modified and amended by this chapter thereto, are adopted as the fire prevention code of the City. The fire prevention code of the city shall apply in all matters pertaining to storage, handling and use of hazardous substances, materials and devices; and to conditions hazardous to life and property in the use or premises within the City.

15.20.020 Bureau of fire prevention

The Bureau of Fire Prevention is established in the fire department of the City of Lodi and shall be operated under the supervision of the Fire Chief. The Bureau of Fire Prevention shall enforce and is authorized to issue such orders or notices as may be necessary for the enforcement of the California Fire Code, National Fire Codes and where necessary and appropriate, any fire or life safety sections of the California Health and Safety Code, California Penal Code, and all other city, county or state fire or life safety related laws or codes not specifically covered in any part of this code.

15.20.030 Jurisdiction defined.

Whenever the word "jurisdiction" is used in the California Fire Code it shall mean the City of Lodi.

15.20.040 Section **101.10**
Added – Fees

Section 101.10 of the California Fire Code, 2001 Edition adopted by Section 15.20.01 0 is amended to read as follows:

The City may establish fees sufficient to recover its costs in administering this code. The schedule of fees shall be those recommended by the Fire Chief and established and adopted from time to time by resolution of the city council.

15.20.050 Section **103.1.1.1**
Amended – Contract inspector

Section 103.1.1.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.01 0 is added to read as follows:

The Fire Chief may require the owner or the person in possession or control of the building or premise to provide, without charge to the fire department, a special inspector ("Contract Inspector"), when the department has no technical expertise available to conduct the required inspections.

The Contract Inspector shall be a qualified person who shall demonstrate his/her competence to the satisfaction of the Fire Chief, for inspection of a particular type of construction, operation, fire extinguishing or detection system or process.

Duties and responsibilities of the Contract Inspector shall include but not be limited to the following:

1. The Contract Inspector shall observe the work assigned for conformance with the approved design drawing and specifications.
2. The Contract Inspector shall furnish inspection reports to the Fire Chief, Building Official and other designated persons as required by the Fire Chief. All discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority, Fire Chief, and to the building official.
3. The Contract Inspector shall submit a final signed report stating whether the work requiring inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of this code.

15.20.060 Section **103.1.4**
Amended-Appeals

Section 103.1.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.01 0 is amended to read as follows:

The Fire Chief is responsible for administering, collecting, crediting, adjusting, and refunding all fees imposed under this chapter. A decision by the Fire Chief regarding a fee imposed under this chapter is appealable in accordance with this section. A person seeking judicial review shall first appeal under this section.

A person appealing a decision under this chapter shall file a request with the Fire Chief who is responsible for processing the appeal. The appeal shall be in writing, stating the factual and legal grounds, and shall be filed within ten calendar days following the decision of the Fire Chief being appealed.

The Fire Chief shall notify the City Manager of the appeal. The City Manager shall set the matter for hearing before the City Council and notify the person appealing in writing of the time and place.

The City Council shall conduct the hearing, prepare written findings of fact and a written decision on the matter, and shall preserve the complete administrative record of the proceeding. The council shall consider all relevant evidence presented by the appellant, the Fire Chief or other interested party.

The decision of the City Council is final; it is reviewable by a court under Code of Civil Procedure Section 1094.5

The city adopts the Code of Civil Procedures, Section 1094.5, for the purposes of judicial review under this section. A petition seeking review of a decision under this chapter shall be filed not later than the ninetieth day following the date on which the decision of the City Council becomes final.

15.20.070 Section **103.2.1.1 (9)**
added – Responsibility for enforcement.

Section 103.2.1.1 (9) of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The apprehension, detention and prosecution of those persons found to be in violation of the arson, explosive and fire insurance fraud sections of the California Penal Code.

15.20.080 Section **103.2.2.3**
added Fire prevention bureau arson investigators

Section 103.2.2.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All sworn members assigned to the Fire Prevention Bureau or Fire Investigation Unit are hereby assigned as Arson Investigators and as such shall enforce the provisions of the California Penal Code as it pertains to arson.

15.20.090 Section **103.4.4**
Amended - Violation.

Section 103.4.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

No person, whether as owner, lessee, sub-lessee or occupant, shall use, occupy or maintain any occupancy, premises, or vehicle or cause or permit the same to be done, contrary to or in violation of any of the provisions of this fire code or any lawful order issued by the Fire Chief or authorized representatives under this chapter. Any person violating the provisions of this section is guilty of a misdemeanor for each day such violation continues.

15.20.100 Section 103.4.7
Added – Abatement of hazard by fire chief

Section 103.4.7 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

If any person fails to comply with the orders of the Fire Chief, or if the Fire Chief is unable to locate the owner, operator, occupant or other person responsible within a reasonable time, the Fire Chief or his or her authorized representative may take such steps as are necessary to abate the hazard for the protection of the public health and safety. In no event is notice necessary before abatement, when the hazard is a clear and present danger to the public welfare. All costs related to such abatement shall become a lien or special assessment on the subject property.

15.20.110 Section 103.4.8
Added – Criminal or civil penalty for violation

Section 103.4.8 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Pursuant to the City's prosecutorial discretion, the City may enforce violations of the provisions of this code in any manner authorized by this section or by any other law, including but not limited to issuance of criminal citations, referral to the District Attorney, referral to other appropriate agencies, administrative actions and civil actions.

15.20.120 Section 103.4.8.1
Added – Misdemeanors – continuing violations

Section 103.4.8.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any person who violates any of the provisions of this code, any of the provisions of any written authority of the City Manager or his or her duly authorized agents and representatives or any provision of any permit issued pursuant to this code shall be guilty of a misdemeanor. Each and every day, or any part thereof during which any such violation is committed, continued or allowed shall be separate offense.

15.20.130 Section 103.4.8.2
Added – Prosecution

Section 103.4.8.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Every violation of this code shall be a misdemeanor; provided, however, that where the City Attorney or his or her duly authorized agents has determined that such action would be in the best interest of justice, the City Attorney may specify in the accusatory pleading, citation or amendment thereto that the violation shall be prosecuted as an infraction.

15.20.140 Section **103.4.8.3**
Added – Penalty for infraction

Section 103.4.8.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Each and every violation of this code that is deemed an infraction is punishable by:

- 1) A fine not exceeding one hundred dollars (\$100.00) for the first violation;
- 2) A fine not exceeding two hundred dollars (\$200.00) for the second violation of the same or similar provision within a one-year period, or,
- 3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation, after the second, of the same or similar provision of this chapter within a one-year period of the first violation.

15.20.150 Section **103.4.8.4**
Added – Penalty for misdemeanor

Section 103.4.8.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Each and every violation of this code that is deemed a misdemeanor is punishable as specified in Section 1.08.010 of the Lodi Municipal Code.

15.20.160 Section **103.4.8.5**
Added – Enforcement authority

Section 103.4.8.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Peace officers and persons employed in such positions are authorized to exercise the authority provided in California Penal Code Section 836.5 and are authorized to issue citations for violation of this code. The following designated employee positions may enforce the provisions of this code by issuance of citations. The designated employee positions are: the City Manager or his or her duly authorized employee positions, the Fire Chief, the Fire Marshal and Fire Inspector.

15.20.170 Section **103.4.8.6**
Added – Civil penalties

Section 103.4.8.6 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any person who intentionally, accidentally or negligently violates any provision of this code, any written authority of the City Manager or his or her duly authorized agents and representatives, or any provision of a permit issued pursuant to this code may be civilly liable to the City in the sum of not less than one hundred dollars (\$100.00) but not to exceed one thousand dollars (\$1,000.00) per day for each day in which such violation occurs or continues. The City may petition the municipal or superior court to impose, assess, and recover such sums. The civil penalty provided in this section excludes inspection costs and abatement costs, is cumulative and not exclusive, and shall be in addition to all other remedies available to the City under state and federal law and local ordinances.

15.20.180 Section **104.4**
Added – Cost recovery

Section 104.4 of the California Fire Code, **2001** Edition adopted by Section **15.20.010** is added to read as follows:

The purpose of this section is to establish authority to obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the Lodi Fire Department to protect the public from criminal or negligent activities, and from fire or hazardous substances.

In accordance with the Health and Safety Code Section **13000** et seq., an individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall be liable for reimbursement to the City for the costs incurred.

In accordance with Government Code Sections **53150** through **53158**, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel or civil aircraft caused by that influence proximately causes any incident and thereby requires the City to provide an emergency response shall reimburse the City for the cost incurred.

15.20.190 Section **105.2.2**
Added – Expiration

Section **105.2.2** of the California Fire Code, **2001** Edition adopted by Section **15.20.010** is added to read as follows:

Permits and the activities they regulate shall be performed within the time limits approved within the application or plan submittal, except when no time limit is given, then each permit shall be valid for **180** days, unless for good cause the Fire Chief or his or her designee grants an extension. Activity otherwise required by law and needing a permit shall be performed in accordance with the permit and within the time limits given thereon.

15.20.200 Section **105.2.4**
Added – Permit fees

Section 105.2.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.01 0 is added to read as follows:

The fee for each permit shall be as set forth from time to time by resolution of the City Council. The City may establish fees sufficient to recover its costs in administering this Chapter. **No** permit shall be issued until such fees have been paid, and administrative citations may be issued to persons violating this code by the persons allowed to issue citations by Section 15.20.160.

15.20.210 Section **105.2.5**
Added - Violations

Section 105.2.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.01 0 is added to read as follows:

Whenever any construction or installation work is being performed in violation of any plan or specification approved by the Fire Chief or his or her designee, a written notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall state the nature of the violation and that no work shall be done on that portion until the violation has been corrected and has been approved by the Fire Department.

15.20.220 Section **105.4**
Amended – Inspection required

Section 105.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.01 0 is amended to read as follows:

Before a permit is issued, the Fire Chief or his or her designee shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or other areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all departments concerned.

No final inspection under this code, as to all or any portion of the development, shall be deemed completed and no certificate of occupancy shall be issued unless and until the requirements imposed by this code have been completed and the final approval thereof, by the Fire Department, has been given as provided herein and all inspection fees paid.

15.20.230 Section **105.7(7)**
added Revocation, suspension and denial.

Section 105.7(7) of the California Fire Code, 2001 Edition adopted by Section 15.20.01 0 is added to read as follows:

The Fire Chief further shall have the power to revoke, suspend, or deny the granting of any permit required pursuant to the provision of the Code for any of the following reasons:

- (a) When deemed necessary for the protection of life, limb, or property; or
- (b) For the violation of any provisions of this code; or
- (c) For changing the occupancy, equipment, materials, processes, or other conditions in such a manner as to create a greater danger of fire or explosion or less protection than was present at the time of the issuance of such permits.

15.20.240 Section **105.8**
Added - Permits required

Section 105.8 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is revised to add as follows:

Add # c.10 Christmas Tree Lots. To operate a Christmas Tree Lot with or without flame proofing services.

Add # h.4 Haunted Houses. To operate a temporary or permanent haunted house.

Add # s.2 Special Events. To conduct a special event which is not otherwise listed and in the opinion of the Fire Chief or his or her designee poses a fire or life safety concern to the public.

15.20.250 Section **105.8.2**
added - New materials, processes or occupancies.

Section 105.8.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The Building Official, Fire Chief and Fire Marshal shall act as a Committee to determine and specify after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Code. The Fire Marshal shall post such list in a conspicuous place in his or her office and distribute copies thereof to interested persons.

15.20.260 Section **901.4.4**
amended - Premises identification

Section 901.4.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

The approved minimum size dimensions of the numbers shall be as specified by table 1.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway, landscape and architectural appendages, or other obstructions, address posting shall be required both at the street driveway serving such building and on the building.

Table 1	
Distance to Building address measured from back of walk.	Size Height
25 Feet	3 inches
26-40 Feet	5 inches
41-55 Feet	9 inches
Over 55 Feet	12 inches

15.20.270 Section 901.4.4.1
added – Premises identification – rear

Section 901.4.4.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any business or apartment building which affords vehicular access to the rear through a driveway, alley way or parking lot, shall also display approved identification or address numbers on the rear of the building for such business or apartment building in a location approved by the Fire Chief.

15.20.280 Section 901.4.4.2
added – Premises identification-multiple dwelling units.

Section 901.4.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

An approved diagram of the premises which clearly indicates all individual addresses of each unit in the complex shall be erected at the entrance driveways to every multiple dwelling complex having more than one building on the premises or when required by the Fire Chief.

In addition, the Fire Chief may require that individual buildings on the premises be identified in an approved manner.

15.20.290 Section 901.4.4.2
added – Premises identification-multiple buildings.

Section 901.4.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

An approved identification of multiple buildings within an industrial complex shall be required which clearly indicates each individual building in the complex. Identification shall be placed on each building in a size and location when required by the Fire Chief and be visible for responding emergency personnel. Approval of the Fire Chief shall be met.

15.20.300 Section 902.2.2.1
amended - Dimensions.

Section 902.2.2.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Fire Apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Vertical clearances or widths shall be increased when, in the opinion of the chief vertical clearances or widths are not adequate to provide fire apparatus access.

15.20.310 Section 902.2.2.2
amended – Surface.

Section 902.2.2.2 of the California Fire code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall provide a permanent surface of asphalt or concrete installed the full width of all streets, cul-de-sacs and fire lanes.

15.20.320 Section 902.2.4.3
Added – Gates or other structures or devices

Section 902.2.4.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Gates, other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by the Fire Chief or designee and receive specific plan approval.

All automatic gates across fire access roadways shall be equipped with approved emergency key-operated switches overriding all command functions and opening the gates.

All automatic gates shall be equipped with a Knox box key switch, which will activate the gate when operated by the Knox key. Key operated switches shall be keyed with a sub master Knox key to facilitate access by law enforcement personnel.

The automatic gate shall have a battery back-up or manual mechanical disconnect readily accessible to emergency personnel in case of power failure. All automatic gates must meet Fire Department policies deemed necessary by the Fire Chief or designee for rapid, reliable access.

15.20.330 Section **902.4.1**
added - Hazardous materials management plan box

Section 902.4.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

When a business which handles hazardous materials is required to complete a Hazardous Materials Management Plan (HMMP), the Chief may require the installation of a secured box at the primary facility entrance or fire control room as required by the Fire Chief containing a copy of the Hazardous Materials Management Plan. This box shall be waterproof and capable of holding the document in a rolled condition without folding. Other characteristics of the box shall be approved by the chief.

Businesses which handle acutely hazardous material as defined in Section 25532 of the Health and Safety Code shall install a Hazardous Material Management Plan Box in accordance with this section.

15.20.340 Section **1003.2.11**
added - Automatic fire extinguishing systems

Section 1003.2.11 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

In addition to the requirements specified in Section 1003, an automatic sprinkler system shall be installed throughout and maintained in an operable condition regardless of the installation of area separation walls in the following building:

- (1) Every building hereafter constructed in which the total floor area is 6,000 square feet or more.
- (2) Every building hereafter constructed of three or more stories as defined in the Uniform Building Code.
- (3) Every building hereafter in which the square footage existing as of September 1, 1997 is increased by 50% and the total square footage of the building exceeds 6000 square feet.
- (4) This section shall not preclude or alter the intent of the Uniform Building Code, Section 508. Fire resistive substitution.

Exception:

1. **R-3** occupancies.
2. When approved by the Fire Chief, buildings divided into areas not greater than 6,000 square feet by area separation walls of not less than 2-hour fire resistive construction provided that:
 - a. The location of the firewall is clearly marked and identified on the exterior of the building in a manner approved by the fire chief.
 - b. The firewall is identified in the interior of the building in a manner approved by the Fire Chief.

The use of this exception may be denied or revoked by the Fire Chief for **due** cause.

For the purposes of applying this section, each portion of a building separated by one or more area separation walls shall not be considered a separated building.

15.20.350 Section 1003.5
Added – Fire control room

Section 1003.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Fire Control Room. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Said room shall contain all system control valves, fire alarm control panels and other fire equipment required by the Fire Chief. Fire control rooms shall be located within the building at a location approved by the Fire Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room.

15.20.360 Section 1006.3.4.2
Amended – Fire alarm certification

Section 1006.3.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The permittee shall provide a serially numbered certificate from an approved nationally recognized testing laboratory for all required fire alarm systems indicating that the system has been installed in accordance with the approved plans and specifications and meets National Fire Protection Association Standards. Certification shall be required for all new systems to be installed after July 1, 2003. **All** existing systems must obtain certification in a timely manner, as approved by the Fire Chief. A copy of the certification must be provided to the Fire Chief at no cost.

15.20.370 Section 1102.3
Amended-Open burning

Section 1102.3 of the California Fire Code, 2001 edition adopted by Section 15.20.01 0 is added to read as follows:

No person shall kindle or maintain any outdoor fire within the limits of the City of Lodi, except that this section shall not prohibit those fires that are approved by the Fire Chief for the following purposes:

- a. The prevention of a fire hazard that cannot be evaded by any other means.
- b. The instruction of public employees in the methods of fighting fire.
- c. The instruction of employees in the methods of fighting fire, when such fire is set, pursuant to permit, on property used for industrial purposes.
- d. The setting of backfires necessary to save life or valuable property pursuant to section 4462 of the Public Resource Code.
- e. The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.
- f. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

Nothing in this section shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption where such use is accomplished in an approved fireplace or barbecue pit, or for recreational purposes in areas approved by the Fire Chief, provided that the combustible is clear dry wood or charcoal.

15.20.380 Section 1102.3.9
added – Construction sites.

Section 1102.3.9 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

No unsafe or uncontrolled fire shall be permitted to burn on any construction site for any purpose. This section is not to prohibit the use of devices or tools producing a flame when used in an approved manner and necessary for the construction of the building.

15.20.390 Section 1102.4.5
Amended – Recreational fires

Section 1102.4.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.01 0 is amended to read as follows:

The Fire Chief **is** authorized to require that recreational fires be immediately discontinued if such fires are determined by the Fire Chief to constitute a hazardous condition or if smoke emissions are offensive to occupants of surrounding property.

15.20.400 Section 1114
Added- Electrical disconnect

Section 1114 of the California Fire Code 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All buildings providing electrical service through more than one (1) service meter or through multiple service connections, shall have each main electrical disconnect identified in a manner approved by the Fire Chief indicating areas or units served.

All buildings constructed after July 1, 2005, shall have main electrical shut off accessible to the exterior of the structure. This may be accomplished by placing the shut off on the building exterior, an electrical room with a door leading directly to the exterior or a remote electrical (shunt) switch on the building exterior.

15.20.410 Section 1115
Added – Gas disconnect

Section 1115 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All buildings providing natural gas service through more than one (1) service meter or through multiple service connections shall have individual gas shutoffs identified in a manner approved by the Fire Chief indicating areas or units served.

15.20.420 Section 3010
Added - Pallets, palletized packing boxes and bin boxes

Section 3010 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

A permit shall be required to store pallets, palletized packing boxes or bin boxes in excess of 30,000 boardfeet, in accordance with the following restrictions.

Pallets, palletized packing boxes and bin boxes shall be piled with due regard to stability of piles and in no case higher than 12 feet. Where pallets are piled next to a property line, the distance from the property line shall not be less than one half the pile height and in no case less than 5 feet from the property line.

Exception: Bin boxes may be stacked to a maximum height of 20 feet

Driveways between and around pallets, bin boxes and palletized packing boxes shall be a minimum of 15 feet wide and maintained free from accumulations of rubbish, weeds, machinery or other articles that would block access or add to the fire hazard. Driveways shall be spaced so a maximum grid of storage is no more than 50 feet by 50 feet.

Pallets, palletized packing boxes, and bin boxes, operating under a permit, shall be enclosed by a suitable fence of at least 6 feet in height, unless storage is in a building.

An approved water supply and fire hydrants capable of supplying the required fire flow shall be provided within 150 feet of all portions of the storage areas in accordance with Section 903.2, California Fire Code.

For permitting purposes, one pallet will be calculated as having 25 board feet.

For permitting purposes, palletized packing boxes and bin boxes will be calculated based on average board feet per box.

15.20.430 Section **7701.7.2-**
Limits explosive and blasting agents.

The limits referred to in Section 7701.7.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 in which the storage of explosives and blasting agents is prohibited is the entire city except in areas zoned M-2 as such zone is defined in the zoning regulations of the city.

15.20.440 Section **7801.3.1.1**
amended-Manufacturing of fireworks

Section 7801.3.1.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The manufacture of fireworks within the limits of the City of Lodi is prohibited.

15.20.450 Section **7902.2.2.2.1**
Location of aboveground tanks are prohibited.

The limits referred to in Section 7902.2.2.2.1 of the California Fire Code 2001 Edition adopted by Section 15.20.010 in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited in the entire city except areas zoned C-M, M-1 and M-2 as such zones are defined in the zoning regulations of the City.

15.20.460 Changes ~~or~~ modifications

In accordance with Health and Safety Code Section 17958.5, the adoption of amendments more restrictive than the requirements contained in the provisions published in the California Building Standard Code, are needed because of local conditions, as specified below:

(A) Climatic

- (1) Conditions
Precipitation averages **18** inches per year, and can reach as high as 35 inches per year. Virtually all of the rain occurs during the

months of October through April. The remaining months receive little or no rain. Temperatures during the summer months can reach as high as 110 and City of Lodi averages 19 days over 100 each year. Relative humidity during these summer months is very low. Lodi averages 34 days of dense fog per year, and has had as many as **64** foggy days.

(2) Impacts

The generally dry, hot summer months create extreme fire conditions. Adding to this situation is the dryness and combustibility of many structures during the summer, especially true of structures with wood siding and roofs constructed of wood shakes and shingles. The cyclical uncertainty that allow weather events can cause rapid melting of the snow pack which causes flood potential in areas surrounding the Mokelumne River. The foggy conditions can inhibit the dispatch and timeliness of emergency equipment reaching the site of a fire. During foggy periods it is common place for visibility to be near zero, which results in emergency equipment having to decrease their speed to less than 25 miles per hour.

(B) Geographic

(1) Conditions

The City of Lodi is subject to ground tremors from seismic events as the County is in seismic Zone 3. The Mokelumne River, which borders the northern city limits, is subjected to flood potential and its levies are subject to failure from seismic activity or high water.

(2) Impacts

The geologic conditions in San Joaquin County in general, and the City of Lodi, in particular, have the potential of restricting access to structures, especially in remote or isolated areas. A moderate earthquake or extended periods of rain can impact local access roads.

(C) Topographic

(1) Conditions

The City of Lodi consists mainly of the San Joaquin Valley floor. The valley floor is typically flat land area bisected by intermittent and year round stream and river systems. Much of the valley floor is irrigated agriculture. Low land areas protected by a complex and extensive levee system characterize the Delta area. Union Pacific Railroad Tracks bisect the eastern and western portions of Lodi as well as Highway 99 creating traffic congestion and emergency response delays.

(2) Impacts

The valley floor is frequently subject to both general and localized flooding. Because the area is so-flat and low it is not unusual for

local drainage systems to be inadequate during heavy rain periods. This condition can isolate areas where roads are flooded and thereby block access. With the OSHA "two-in two-out" rule requiring two fire fighters ready to make attack only when two others are present, the potential delay in east-west response increases the risk to firefighter and the public.

While it is clearly understood that the adoption of such amendments may not prevent the incidence of fire, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property and protection of the environment.

CHAPTER 15.40 ON-SITE FIRE PROTECTION

15.40.020 Facilities required

A. When any land is proposed to be developed in such a manner that all or a substantial part of any building or structure thereon will be in excess of the reasonable working distance from an adequate water supply for fire protection facilities upon the land as is determined necessary under this chapter, the fire chief may prescribe that the development include the installation of such on-site fire protection facilities **as** in his judgment are necessary to provide an adequate water supply on the land to be developed. The installation shall be at the expense of the owner or developer.

B. All facilities required to be installed under this chapter shall be approved by and meet the specifications of the fire chief as to location, size and type of materials and manner of installation.

C. Construction shall be carried out under the inspection of the department of public works. All inspection costs shall be paid by the owner or developer.

D. This section shall not apply to "U" occupancies as classified by the building code.

15.40.100 Access maintenance

Whenever any on-site fire protection facilities or accessways have been installed, as provided in this chapter, either pursuant to this chapter or prior to the effective date of the ordinance codified in this chapter, the following provisions shall be applicable:

A. Hydrants. With respect to hydrants located along private accessways where curbs exist, the curbs shall be painted red or otherwise appropriately marked by the owner, lessee or other person in charge of the premises to prohibit parking for a distance of fifteen feet in either direction from any such hydrant. In such cases where curbs do not exist, there shall be appropriate markings painted on the pavement, or signs erected, or both, giving notice that

parking is prohibited for a distance of fifteen feet away from any hydrant. When such areas are signed or marked as provided in this subsection, no person shall park or leave standing a vehicle within fifteen feet of any such fire hydrant.

B. Accessway Obstruction. No owner or lessee of the land or proprietor, partner, officer, director, manager or agent of any business or other activity carried on upon the land shall, after receiving notice thereof, permit or otherwise allow, and no person shall cause any activity, practice or condition to occur or exist or continue to exist upon the land which shall lessen, obstruct or impair the access required to be maintained under Section 15.40.070

C. Parking Prohibitions. If in the judgment of the Fire Chief it is necessary to prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, he may require the owner, lessee or other person in charge of the premises to paint the curbs red and/or paint the edge of the roadway red to a width of four inches, upon which is closely marked the words "Fire Lane" in white letters four inches in height and have a three-fourths-inch stroke, at intervals of not less than fifty feet.

At the property owner's expense, the Fire Chief shall direct the owner, lessee or other person in charge to post at all entrances and/or at the extremities of each fire lane a sign reading "FIRE LANE – NO PARKING AT ANY TIME – VIOLATORS SUBJECT TO TOW AT OWNER'S EXPENSE. Lodi City Code Section 15.40.100c; CVC Section 22500(1), Lodi Police Department, 333-6727." Thereafter, it is unlawful for such owner, lessee or other person in charge to fail to install and maintain in good condition the form of notice so prescribed. When such areas are marked and signed as provided in this subsection, no person shall park or leave standing a vehicle adjacent to any such sign and shall be subject to being towed or removed at the direction of a peace officer.

All required signs shall be twenty-four inches vertically by eighteen inches horizontally. The minimum size lettering on the sign shall be as follows:

Sign Lettering	Minimum (inches)	Height
FIRE LANE	2	
NO PARKING AT ANY TIME	2	
VIOLATORS SUBJECT TO TOW AT OWNER'S EXPENSE	2	
Lodi City Code 15.40.100	1	
C.V.C. Sec. 22500(1)	1	
Lodi Police Department 333-6727	1	

The sign face shall be white in color. All lettering or printing shall be red in color, and all two-inch letters shall have a minimum one-fourth-inch stroke, and all one-inch letters shall have a minimum three-sixteenths-inch stroke.

D. Prosecutions. Chapter 1.08 of this code applies to prosecutions under this section.

15.40.110 Alteration or modification

On-site fire protection facilities, whether installed before or after the effective date of the ordinance codified in this chapter, may be altered or repaired with the written consent of the Fire Chief; provided, that such alteration or repairs shall be carried out in conformity of Section 15.40.030.

CHAPTER 9.12
FIRES, FIREARMS AND FIREWORKS

9.12.010 Discharge of weapons and fireworks - **fires**

A. Any person who does any of the following without first obtaining a special permit therefore, in writing, from the chief of police which permit shall designate the time and place of such firing or discharging, is guilty of a misdemeanor:

1. Fires or discharges any pistol, gun, rifle, firearm, cannon anvil loaded with powder, bow, airgun or sling, or other dangerous missile is projected, within the City.

B. Any person who does any of the following without first obtaining a special permit therefore, in writing, from the Fire Chief which permit shall designate the time and place of such firing or discharging, is guilty of a misdemeanor:

1. Possesses, discharges or explodes any firecrackers, firerockets, roman candles, chasers or other fireworks of any nature or kind; or

2. Makes any bonfire of any nature or kind, or who makes any bonfire or burns any hay, straw, rubbish, shavings or other combustible materials within the city limits at night.

C. The provisions of this section do not prohibit any person from shooting destructive animals within or upon his own enclosure, nor prohibit the establishment and maintenance of shooting galleries, in accordance with the ordinances of the City.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except otherwise imposed by law.

SECTION 6. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 7. This ordinance shall be published one time in "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days after its passage.

Approved this 20th day of April, 2005


JOHN BECKMAN, Mayor

Attest:


SUSAN BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1759 was introduced at a regular meeting of the City Council of the City of Lodi held April 6, 2005, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held April 20, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson,
and Mounce

NOES: COUNCIL MEMBERS – Mayor Beckman

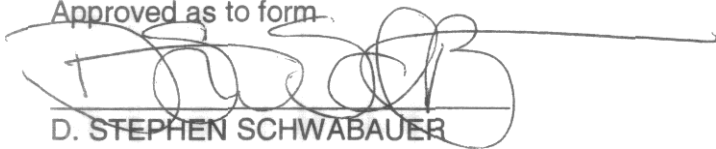
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1759 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


SUSAN BLACKSTON
City Clerk

Approved as to form.


D. STEPHEN SCHWABAUER
City Attorney